

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

APT *et al.*

Appl. No.: 09/839,536

Filed: April 23, 2001

For: **Trophic Conversion of Obligate
Phototrophic Algae Through
Metabolic Engineering**

Confirmation No.: 2123

Art Unit: 1633

Examiner: LEAVITT, Maria Gomez

Atty. Docket: 2715.0360001/JUK/SAS

**Third Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. This Third Supplemental Information Disclosure Statement is a continuation of the Applicants' Second Supplemental Information Disclosure Statement filed on May 21, 2008, in connection with the above-captioned application.

Copies of documents **FP1** to **FP4** and **NPL1** to **NPL11** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of a U.S. Patent and a U.S. Patent Application Publication cited on the attached IDS Form PTO/SB/08A as documents **US1** and **US2**, respectively, are not submitted.

The Examiner's attention is directed to the following U.S. Patent Application,
which may be directed to related technical subject matter:

Application No. 11/842,898, inventors Apt *et al.*, filed August 21, 2007 as a
continuation of the present application; published on June 12, 2008 as U.S. Patent
Publication No. 2008/0138851 A1 and cited herewith as document **US2**.

The identification of this U.S. Patent Application is not to be construed as a
waiver of secrecy as to that application now or upon issuance of the present application
as a patent. The Examiner is respectfully requested to consider the cited application and
the art cited therein during examination.

Where the publication date of a listed document does not provide a month of
publication, the year of publication of the listed document is sufficiently earlier than the
effective U.S. filing date and any foreign priority date so that the month of publication is
not in issue. Applicants have listed publication dates on the attached IDS Forms based
on information presently available to the undersigned. However, the listed publication
dates should not be construed as an admission that the information was actually
published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention
over any of the information provided herewith, and/or to prove that this information may
not be prior art, and/or to prove that this information may not be enabling for the
teachings purportedly offered.

This statement should not be construed as a representation that a search has been
made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our Online Credit Card Payment Authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Scott A. Schaller
Attorney for Applicants
Registration No. 60,167

Date: October 30, 2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

1036964_1